



Reprinted
March 24, 2009

ENGROSSED SENATE BILL No. 244

DIGEST OF SB 244 (Updated March 23, 2009 2:19 pm - DI 106)

Citations Affected: IC 11-10; IC 34-58.

Synopsis: Offender reentry administrative account. Requires the department of correction (DOC) to provide certain inmates who earn income in the DOC with an offender reentry administrative account (OEAA). Requires that between 10% and 20% of an eligible inmate's earnings be deposited in an OEAA. Requires the DOC to issue an inmate a check for the balance in the inmate's OEAA when the inmate is released or discharged from incarceration by the DOC. Provides that an offender who has filed at least three civil actions that have been dismissed as frivolous may not file a new action in forma pauperis unless the offender is in immediate danger of serious bodily injury.

Effective: July 1, 2009.

Young R Michael

(HOUSE SPONSORS — LAWSON L, HINKLE)

January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

February 17, 2009, reported favorably — Do Pass.

February 19, 2009, read second time, ordered engrossed.

February 20, 2009, engrossed.

February 23, 2009, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 2, 2009, read first time and referred to Committee on Judiciary.

March 19, 2009, amended, reported — Do Pass.

March 23, 2009, read second time, amended, ordered engrossed.

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ES 244—LS 6814/DI 107+



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 244

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-10-7-5, AS AMENDED BY P.L.146-2008,
2 SECTION 369, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The earnings of an offender
4 employed under this chapter shall be surrendered to the department.
5 This amount shall be distributed in the following order:
6 (1) Not less than twenty percent (20%) of the offender's gross
7 earnings to be given to the offender or retained by the department.
8 If retained by the department, the amount, with accrued interest
9 if interest on the amount is earned, must be returned to the
10 offender not later than at the time of the offender's release on
11 parole or discharge.
12 (2) State and federal income taxes and Social Security deductions.
13 (3) The expenses of room and board, as fixed by the department
14 and the budget agency, in facilities operated by the department,
15 or, if the offender is housed in a facility not operated by the
16 department, the amount paid by the department to the operator of
17 the facility or other appropriate authority for room and board and

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other incidentals as established by agreement between the department and the appropriate authority.

(4) The support of the offender's dependents, when directed by the offender or ordered by the court to pay this support. If the offender's dependents are receiving welfare assistance, the appropriate ~~local~~ **county** office of the division of family resources or welfare department in another state shall be notified of these disbursements.

(5) Ten percent (10%) of the offender's gross earnings, to be deposited in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(6) If an offender is eligible for an offender reentry administrative account under IC 11-10-15, not less than ten percent (10%) but not more than twenty percent (20%) of the offender's gross earnings, to be deposited in the offender's reentry administrative account.

(b) Any remaining amount shall be given to the offender or retained by the department in accord with subsection (a)(1).

(c) The department may, when special circumstances warrant or for just cause, waive the collection of room and board charges by or on behalf of a facility operated by the department or, if the offender is housed in a facility not operated by the department, authorize payment of room and board charges from other available funds.

SECTION 2. IC 11-10-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 15. Offender Reentry Administrative Accounts

Sec. 1. (a) An offender is not eligible for an offender reentry administrative account under this chapter if the offender's expected release date is after the date when the offender would be eighty (80) years of age.

(b) Except as provided in subsection (a), the department shall provide each offender who has earnings under IC 11-10-7 with an offender reentry administrative account.

Sec. 2. The part of an offender's earnings distributed under IC 11-10-7-5(a)(6) shall be deposited in the offender reentry administrative account of the offender.

Sec. 3. The funds in the offender reentry administrative account of an offender may not be withdrawn before the offender's release or discharge from incarceration by the department.

Sec. 4. When an offender is released or discharged from incarceration by the department, the department shall issue the

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1 offender a check for the balance in the offender's offender reentry
2 administrative account.

3 **Sec. 5. The department owes a fiduciary duty to an offender who**
4 **has an offender reentry administrative account for any funds**
5 **deposited into the offender's reentry administrative account.**

6 SECTION 3. IC 34-58-2-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. If an offender has
8 filed at least three (3) civil actions in which a state court has dismissed
9 the action or a claim under IC 34-58-1-2, the offender may not file a
10 new complaint or petition **in forma pauperis** unless a court determines
11 that the offender is in immediate danger of serious bodily injury (as
12 defined in IC 35-41-1-25).

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 244, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 244 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 244, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, strike "local" and insert "**county**".

Page 2, line 12, delete "Three percent (3%)" and insert "**Not less than ten percent (10%) but not more than twenty percent (20%)**". and when so amended that said bill do pass.

(Reference is to SB 244 as printed February 18, 2009.)

LAWSON L, Chair

Committee Vote: yeas 9, nays 1.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 244 be amended to read as follows:

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 3. IC 34-58-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. If an offender has filed at least three (3) civil actions in which a state court has dismissed the action or a claim under IC 34-58-1-2, the offender may not file a

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new complaint or petition **in forma pauperis** unless a court determines that the offender is in immediate danger of serious bodily injury (as defined in IC 35-41-1-25).".

(Reference is to ESB 244 as printed March 20, 2009.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 244 be amended to read as follows:

Page 2, line 12, after "(6)" delete "Not" and insert "**If an offender is eligible for an offender reentry administrative account under IC 11-10-15, not**".

Page 2, line 26, delete "The" and insert "**(a) An offender is not eligible for an offender reentry administrative account under this chapter if the offender's expected release date is after the date when the offender would be eighty (80) years of age.**

(b) Except as provided in subsection (a), the".

Page 2, after line 38, begin a new paragraph and insert:

"Sec. 5. The department owes a fiduciary duty to an offender who has an offender reentry administrative account for any funds deposited into the offender's reentry administrative account."

(Reference is to ESB 244 as printed March 20, 2009.)

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